



IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DESMOND JERMAINE WHISONANT,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:20-cr-279-1
	)	1:23-cv-615
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

ORDER

On August 2, 2023, the United States Magistrate Judge's Order and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 50, 51.) No objections were filed within the time limits prescribed by Section 636.<sup>1</sup>

Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 50), is **ADOPTED**. **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to Petitioner promptly filing a corrected motion on the proper § 2255 forms.

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<sup>1</sup> On August 17, 2023, Petitioner filed a corrected motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence, which is now proceeding as Whisonant v. United States, 1:20-cr-279-1; 1:23-cv-700. (See Doc. 52.)

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 28th day of August, 2023.

William L. Oster Jr.  
United States District Judge